

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Landis Deluan Franklin,)	
)	
Plaintiff,)	
)	Civil Action No. 6:19-cv-2255-TMC
v.)	
)	
United States of America,)	ORDER
)	
Defendant.)	

Plaintiff Landis Deluan Franklin, proceeding pro se and in forma pauperis, filed this action purportedly against the United States of America. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., because Defendant is proceeding pro se, this action was referred to a magistrate judge for pretrial handling. The magistrate judge entered a Proper Form Order on August 19, 2019. (ECF No. 9). That same day, the magistrate judge entered an “Order Regarding Amendment,” which identified various deficiencies in Plaintiff’s complaint and gave Plaintiff twenty-one days to file an amended complaint pursuant to Fed. R. Civ. P. 15(a) to correct the deficiencies. (ECF No. 10). Plaintiff was advised that failure to correct the deficiencies would result in the magistrate judge recommending summary dismissal to the undersigned. *Id.* Plaintiff filed an amended complaint on September 16, 2019. (ECF No. 1-1). Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court summarily dismiss the case pursuant to 28 U.S.C. § 1915. (ECF No. 15). Plaintiff was advised of his right to file objections to the Report. *Id.* at 10. However, Plaintiff filed no objections, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In

the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the magistrate judge’s Report (ECF No. 15), which is incorporated herein by reference. Accordingly, the case is **DISMISSED** pursuant to 28 U.S.C. § 1915.¹

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

October 8, 2019
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹ As noted by the magistrate judge, any further amendment would be futile. Accordingly, this dismissal is without leave to any further amendment.